

**UNITED STATES DISTRICT AND BANKRUPTCY COURT
FOR THE DISTRICT OF IDAHO**

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Cameron Burke
Court Executive/Clerk of Court

November 18, 2003

MEMORANDUM

TO: Members of the Bar and Public

FROM: Cameron Burke, Court Executive

SUBJECT: Local Rule Changes

Below you will find a summary of the proposed Local Bankruptcy Rule amendments which will become effective on January 1, 2004. The Court invites members of the Bar and public to comment upon these amendments by December 20, 2003.

The Bankruptcy Local Rules Committee did an excellent job of working on these rules over the past year. Members of the Bankruptcy Local Rule Committee include: Larry Prince, Chair; Judge Terry Myers, Brent Robinson, Barry Zimmerman, Daniel Green, James Spinner, Jeffrey Howe, Ken Anderson, Louis Garbrecht, Sheila Schwager, Sue Beitia, Brad Goergen, and Suzanne Perker.

The full text of these local rules is available on the courts web site: www.id.uscourts.gov.

Thanks for your consideration in this matter

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF IDAHO**

**SUMMARY OF SUBSTANTIVE BANKRUPTCY LOCAL
RULE AMENDMENTS
Effective January 1, 2004**

2002.2: Subsection (f) has been modified and specifically addresses how a hearing may be vacated or continued: (1) on the judge's own motion; (2) if the parties execute and submit an agreed order that complies with rule LBR 9004.1 prior to the hearing; (3) if the parties submit a written stipulation at least one day prior to the hearing, or if one of the parties appears and reads the agreement into the record at the time of the hearing; or (4) if a party requests a continuance or vacation of a hearing and the request is accompanied by an affidavit and served at least three days prior to the hearing on all opposing parties.

4001.2: This rule has been extensively revamped. Pursuant to the new rule, stay relief motions will not be heard by the Court unless an opponent (trustee, debtor or other party in interest) objects and schedules a hearing. It is now incumbent upon an objecting party to file a specific objection explaining precisely why the party is opposed to the motion, and to do so within seventeen (17) days from the date of service of the motion. (If the motion is served by mail, the opponent receives an additional three days, *i.e.* twenty (20) days, to file the objection. *See* Fed. R. Bankr. P. 9006(f).) The opponent must also obtain a hearing date from the clerk and serve a notice of the hearing at the same time the objection is filed and served. The movant cannot set its own stay relief motion for hearing except for cause upon Court approval. The movant's stay relief motion must still comply with the previous rule's motion requirements. Pursuant to the new language, the motion must also be accompanied by a proposed order, which the Court will enter if no party objects within the time provided by rule. That order must comply with LBR 9004.1.

9034.1: This rule has changed to reflect a change in the U.S. Trustee's mailing address (they no longer have a Post Office Box).